
T H E

OATH of ABJURATION,

C O N S I D E R E D,

In a L E T T E R to a F R I E N D.

March 20. 1712.

S I R,

THE long Correspondance I have been favoured with, and the full freedom I have still used with you, prevail with me to give my Sentiments anent the Oath of Abjuration, now Imposed by Authority of a *British* Parliament, upon the Ministers of the Established Church of *Scotland*, in that late Act for preventing the Disturbing of those of the *Episcopal* Communion.

I am sensible of the Hazard of writing freely on this Head, but your desires are still Commands to me; And when I cannot help thinking freely, I know not how to write otherwise; the Foundations of my Sentiments, I leave to you to examine, and expect your Thoughts with the same Candor I Communicate mine, and when you are pleased to rectify me, I shall heartily Renounce and give up what is wrong.

The Import and weight of an Oath is, what I know you have the same Sentiments of with me; And therefore I entirely wave it; Only I wish the unaccountable frequency and multitude of publick Oaths be not an occasion (I hope beside the Design of the Imposers) of the taking away of the

A fear

*This is to be written by Mr Robert Kyle
at Hamilton.*

fear of an Oath & prostituting the Consciences of many in this Age, to the great and manifest hurt of the Civil Government and the lessening the sense of these Sacred Tyes between Magistrate and Subject, and Man and Man: Whatsoever is more than *Yea, yea, and Nay, nay*, I do not say is evil, but you will allow me with Christ to say, cometh of evil. our miserable Breach of the first Contract and Covenant with our Maker, and the Deluge of Wickedness and Corruption that came by it, is the occasion of Oaths amongst Men, and the method they have been used and are at this day imposed, I must say is like to lighten that which they are said to be designed to prevent, and weaken the force of the Intervention of the Holy and fearful Name of the Lord, and render this Basis of Humane Contracts precarious: may the Lord in his Goodness to Humane Society prevent this.

My fears with respect to this incline me, I confess to be as little involved in Publick Oaths as I may, especially when they are mixed, dark, and involved; and relative to many things, I cannot be a Competent Judge of, and imposed with Penalties, that are exorbitant to some that may be called to take them, and may sway not a few to take methods that otherwise they would not fall in with, and must in less or in more Byass all, in their pondering the Matter of the Oath, unless Grace prevent it.

Had I lived in the Time of our Covenants, for as unseasonably Zealous as you have sometime thought me to be, as to these Bonds, I could never have consented to have forced People to take them, or annexed the taking of them to Offices or Inheritances, or subjoined Civil Penalties to them, and yet I do aver that they are far more plain and clear, than most of the publick Oaths that have been since; and nothing is in them, but what prior to the Oath was Moral, and

and so of binding Obligation; future Contingence, I think, should not be made the object of any present Obligation, far less one ratified by an Oath, those neither being in our power, nor properly what can be Sworn in Knowledge or Truth, Judgement and Righteousness.

But that I may confine my self to this Oath now before me, I shall begin with some account of the way how this Oath being hatch't at first in *England*, found it's way to *Scotland*, and then run through the Oath as it stands, and give you my Remarks upon it, in all plainness.

Upon the first of these, I will not offer to enter upon the Secret or more open History of Publick Oaths, it would make but an Indifferent Figure, if written impartially; only it is what you have no doubt observed as well as I, that (upon what Grounds I shall not say) those that have been Abjured in *England* and *Scotland* formerly have still come in among us: You know our Ancient History better than I can pretend to, and so I dip not into that; *Henry the 8th's*, Daughters, the Princess *Mar*, and *Elizabeth*, were both Abjured: By the Tender in *Cromwells* days, the whole Race of the *Steuarts* were Abjured. Resistance of Princes, and taking up Arms upon any pretence whatsoever was by Oath Renounced; and yet this neither prevented the happy Abdication, nor the the Glorious Revolution: And the Friends of the Pretender now Abjured, comfort themselves with the hopes of a new Restauration from the News of this new Abjuration; and it's said abundance of his Abettors, have all the Dispensation the *Chevalier* can give, for the taking of this Oath, and make no Bonds of taking of it, in order to get into places of Trust: But I hope the Lord will not shine upon the Counsel of the wicked.

This present Abjuration was framed in *England* in the end

of King *William's* Reign, for the Extinguishing the hopes of *France*, to palm a *Popish* Pretender upon those Lands, Educate in all the Finenesses and Tyranny of *Lewis* the 14th.

We heard little of it in *Scotland*, till we were Incorporate with *England* 1707, and whether the delay was from the stir the Commission of the Assembly made anent it, and their Declaring somethings in it, as some think contrary to their Principles, or to make the Clause in the Act, said to be for the Security of this Church, go down the better for a Season, till it was time to explain it, whereby all *Scotsmen* are for ever to be kept free from all Oaths contrary to *Presbyterian Government* and their Principles, or what was the reason I know not; but you will find that *England* agreed to lay aside the imposing of that Oath upon *Scotland* till the Queen's demiss.

But in the beginning of the 1706, upon and after the attempt by the Pretender to land in the *Firth* of *Forth*, the Parliament took occasion to oblige all the Officers Civil and Military to take this Oath, and accordingly it was taken by many, and you know there was a very considerable alteration in the Eyes of some made in the Oath then by the Imposers, and instead of [*I do faithfully promise to the utmost of my Power to support, maintain, and defend the Limitation and Succession, as the same is, and stands limited by an Act, &c.*] it was altered, [*I do faithfully promise, to the utmost of my Power, to support, maintain, and defend the Succession of the Crown against him the said James, and all other Persons whatsoever, as the same stands Settled by an Act, &c. and as the same is, and stands settled and entailed, &c.*] how far this mends the Matter I may have Occasion afterwards to consider.

I shall only remark, that upon this the greatest part of the Magistrates in Burghs, and Members of Town-Councils, of the Gentry and Nobility in *Scotland* came to take the Oath; and

and when in the Sub-Committees of the Assembly, the sin and Duty with respect to the Oath, came to be canvassed; the greatest part of the Ruling Elders having taken it, stood up in defence of the Lawfulness of the Oath.

And now when by this late Act of Parliament it is brought to the Door of Presbyterian Ministers, ye know its said they are to be blamed if now they refuse it: And yet were silent as to its Sinfulness when it was imposed upon so many under their Charge, and when it was the Duty of faithful Watchmen, to have given warning as to sin and Duty.

I am now only upon the Historical Account of the Rise and progress of this Oath, and shall not take upon me the Vindication of the procedure either of Ministers in their private or more publick Capacity at that Time, any of their Number will be a better Advocat for them than I: But because the Circumstances of that Time are either forgot or not known by severals, I shall give you a hint of what I then Remark'd, and apply it to the case now in hand. *1mo.* The Presbyterian Ministers were then, as I suspect they will be now, of different Sentiments and Opinions as to the Lawfulness of that Oath, according to the different Senses in which they took up several Expressions of the Oath. *2do.* This Church and Nation were then in no small Ferment and Confusion, both by Reason of the vast Alteration, the *Union*, patched up the Year before, without any great Union in Affection, and by the present and imminent View of the Invasion; and it was the Opinion of many, That Ministers should at that Juncture do nothing, that might be misimproven to highten the Ferment upon Peoples Spirits. And it is very plain, *3dly.* That many took that Oath pretty heartily, and from the present Views of the Necessity of it, for crushing of the
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Designs of a *French* and *Malignant* Party among us; in Con-
 junction with the *Pretender*, and his bloody *French* and *Irish* In-
 vaders then within Sight. 4thly. The Church by their Re-
 presentative, the Commission of the Assembly 1706, had ma-
 terially given their Sense of that Oath, as I may afterwards
 shew; and the *General Assembly* had ratified what they had
 done, very solemnly, so that Persons needed not to be much at
 a Loss, as to the Mind of the Church. And 5thly. The Alte-
 ration just now mentioned, and the casting out the *Limitation*
 and putting in the *Settlement and Entail* in its room, was so
 plausible, with respect to one considerable Scruple, that many
 I suppose went into the Oath, under the thoughts that it had
 no relation to the *Conditions*, but the *Person* and *Succession of*
Persons. And where there were Doubts, 6thly. I suppose few
 advised them, as a Case of Conscience, with Ministers, and
 these that did, no doubt received different Answers, according
 to the different Opinions Ministers had. 7thly. And without
 a common consent among Ministers, it was reckoned by many
 very unsafe and unfit, at such a Juncture, to have vented their
 private Light in their Sermons and Preachings; one who was
 for the Oath, did utter something in a very Publick Auditory,
 in favours of it; and another, as much against it, in another
 place: but the generality of Ministers, at that time, did not
 reckon it advisable to come into Particulars. Indeed, 8thly.
 Several did, at that Juncture, preach upon Oaths in the gene-
 ral, and laid down the Qualifications of them from the Scrip-
 tures, and left it to their Hearers to apply the general Rules;
 and this was all they thought incumbent on them as Duty, in
 such Circumstances. 9thly. The General Assembly that Year
 1708, had that Matter of the Oath before them, and reason'd
 and debated it in their Sub-Committees at some length, but
 found it not for Edification at that time, to come to any Pub-
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lick Act anent it, finding Brethren of different Light, and that a Direct Act about it, could not but be the occasion of great heat among themselves, and a handle to bring in the Imposition of it upon the Ministry, which then, as at that Day, would have had no desirable Consequences. Yet 10ly. Either that Year, or the following, if my Memory fail not, the Assembly instructed the Commission, to send Commissioners to *London*, to obtain Redress, with relation to Popery, Irregularities, and other things that are grievous to this Church: *Which last Clause referred plainly to the Oath of Abjuration.* Lastly. Upon the whole, its evident, that the Circumstances are now much altered, from what they were four years since, in relation to this Oath, and the Church's procedure with respect to it, not only as its now impos'd on Ministers, but in Conjunction with the Act for tolerating the *Episcopal Clergy*, and upon the back of an Alteration in the most difficulting Clause in the Oath, after it was first amended. So that however defensible or blamable the Conduct of *Presbyterian Ministers* may appear hitherto, under different views of it, yet the matter stands entire enough for the Cognizance of the next General Assembly, when it is particularly brought into their Door.

Which brings me back to the present *Ara* of this Oath, as now ordered to be taken, by an Act touch'd the end of the last Month; and with respect to the History of this Imposition, I shall remark as a Foundation of some Particulars, that may come in upon a second General, some few things, you know no doubt better than I, *imo.* The Deportment of the Church of *Scotland*, since our Incorporation with *England*, hath been such, as I doubt, if her greatest Enemies have any thing to say against, as to her Carriage under many Insults, and unparallel'd Attacks, they have managed very evenly

venly, and with that Regard they owed to the Queen, who from Time to Time repeated her Assurances to them of her Protection, and her Acknowledgement of her Satisfaction with their Management, when we were threatned with the Invasion, there were Addresses full of Affection and Loyalty to the Queen from all the Presbyteries almost of this Church and Assurances of standing by the Protestant Succession, which Her Majesty was pleased to notice in her Letter to the Assembly 1708, and a suitable Return was made in that Assembly, and in the very last Assembly 1711, an Act was passed, appointing all Ministers of this Church to pray publickly for the Illustrious House of *Hanover*, and the Protestant Succession. To say nothing of the Caution the Assembly used in their Reasonings anent this Oath, and the Tenderneſs they entertained of doing any thing that might seem to heighten the Ferment, that was among many; none of thir could forebode any Thing like a Suspicion of this Church, that might be a Colour for the imposing this Oath. But, 2^{do}. When the Queen saw fit to alter the Servants and Ministry, she had for long imployed to the Satisfaction of her Allies abroad, and many of her Subjects at home, and after a loud Cry had been raised of the Danger of the Church of *England*, upon the just and soft Censure passed by Parliament upon that Tooll of the Flaming High Church Party *Sàcheverel*; the Jacobite Party in *Scotland*, envying the good Understanding that was between this Church, and her Majesty, took Heart, and with a View to manage their Designs over the Water, set up mightily for the *Engliſh* Liturgy and Chimmed in with many they alleged to be their Friends in *England*; and being encouraged, by what they supposed favoured them, in the Decision made in the Upper House, in *Greenſields* Affair; they set up Meeting Houses in many Places beyond *Tay*, this last Summer, especially

especially : An Account of their barbarous Attempts upon particular Ministers, and Insults upon Judicatories, would be too long, as is too black, to come in here ; you remember the Reflection his Grace the Queen's Commissioner had upon the Throne, when he heard some Representations of their Cruelty read before the last Assembly, that when he heard them, He imagined he had been in *Turky* or *Muscovy*, and could scarce have suspected, that such Barbarity could have been used in a Civilized Christian Nation. This same Party, who have given such shreud Evidences of what they will attempt, when they have the Power in their Hand, raised a heavy Cry of Persecution, and Oppression in their Conscience, and in Conjunction, and very often Friendship with the Papists and popishly enclined in the North, were at great Pains to set up their separate Meetings, and Altar against Altar, in many Places; that they might appear to be considerable and bulky, in the Eyes of those that are at Distance, and not acquainted with the Nature and Temper of the Party among us. And accordingly, they prevailed to get a Bill, for the preventing of the Disturbing of these of the Episcopal Communion, brought in this Winter to the House of Commons, and the Friends there of the Episcopal Clergy, well apprised of the principles of those, for whom the favour was to be granted, took a particular care, that it should not be Clogged with any Chocking Oaths to them, and after they had by their Numbers, rejected all Amendments offered from the Claim of Right, and standing Laws of this Church, in Favours of the Presbyterian Establishment, and refused to hear any Application from Ministers then at *London*, the Bill was passed and sent up to the Lords. *pro* The Higher House when the Bill came to be considered, saw fit to add the Oath of Allegiance and this of Abjuration, not only upon the Tollerated Clergy, but upon the Established Presbyterian Ministers. and yet resolved to make

it as easy as might be, and (I suppose from the Articles of Union agreed to by our Parliament) altered the word [*AS*] unto [*WHICH*] and made several other Amendments, from the Regard, by the Union, they judged themselves obliged to have for our Church Constitution : Yet when the Bill, *5to.* Was sent down to the Commons thus Amended, tho at first the Persons that brought it in, are said to have resolved to have made new Amendments, neverer upon the Church of *Scotland*, than before (and that in order to drop the Bill) being Importuned to this by the Exaucterat Bishops and their Clergy, here, who plainly saw the Bill in this shape would but discover them in their own Collours, yet upon second thoughts they insisted only upon the restoring the [*AS*] as that, some of them reckoned, sufficient to break the Ministry of the Church of *Scotland* ; so it was sent up with this little great alteration to the House of Lords. Lastly, the Lords after a pretty warm Debate, and the appearance of 8 or 10 *English* Bishops against this new Amendment, at length went into it by a Division of 56 to 40, and some attribute this to the Influence, a Deputation from a certain C——b had upon a great Man, rivetted with an assurance, that if the Bill did not pass in this Form, no Money was to be expected from them. This way this Oath hath made its way over the Border. Having given the History of it, I come now,

To give you my remarks upon the Oath, as it now stands at the Door of every Presbyterian Minister in *Scotland*: By my remarks upon it you will soon perceive, that I am much in the dark anent Ministers, their taking this Oath ; I shall not condemn those that seem to have fewer difficulties anent it than I, but rather envy them ; supposing and hoping they are Persons that fear an Oath, and of more solidity and insight than I can pretend to ; and if you be among this Number, I hope you will Communicate your Light with me, and I promise my self very much satisfaction from your freedom

this way, I do not love Darkneſs for Darkneſs ſake, but till I underſtand it more than I do, I muſt continue in many Difficulties as to this Oath, and while they continue, the very words of the Oath forbid me to take it.

It is fruitleſs to divide and diſſect this Oath into its Aſſertory, Declaratory, Abjuration, and Obligatory parts, indeed ſuch a mixture of things in the Body of this Oath, do require very cloſe pondering, before it can be Sworn in Judgement. I ſhall lay before you what things ſtraighten me as to it, more generally and more particularly in the different Clauſes and Articles of it; you will pardon the Method, for I know no other to follow, but juſt that which the matter offers unto me.

More generally I am at a loſs, how far it may be proper for Miniſters of the Goſpel, at this Juncture, to go into this Oath, when I conſider, 1. The conſiderable Difficulties there are advanced againſt their having any publick Oaths impoſed upon them; not that I think it unlawful for them to take any Oaths to a Government, but I cannot help wiſhing that the Civil Powers conſidered the Circumſtance of Miniſters more duely, than I am afraid they do, before they rank them with the reſt of the Subjects in every thing that is impoſed. The *verbum ſacerdotis* was once it ſeems in greater requeſt than it is now, and I hope there is as much Ground now as ever to lay weight upon it; but when I conſider that their quite other work, hinders them from dipping into Civil Debates, and enquiring into the Rights of Princes, that they Preach to the People their Duties to Magiſtrates, from the general Precepts of the Word of GOD; that they pray for the Queen, and againſt a Popiſh Pretender, and for the Proteſtant Succeſſion: I think it looks like a very heavy imputation upon their Sincerity, to conclude them under every Impoſition that comes about, upon thoſe that have no Opportunities, ſuch as they have of an open and daily Teſtifying their Sentiments as to their Loyalty. And this leads me, to obſerve, 2^{do}.

That till after the Revolution I do not find that any publick Civil Oath was put upon Presbyterian Ministers, so tender were our Kings and Parliament of their Character; not that I would any way reflect upon King *William*, who many ways Testified his peculiar regard to the Ministers of this Church when once he had Experience of them; but the Circumstances of that Time, did some way oblige him to this step his Lenity and desire after Peace, made him allow these that had served under Prelacy, and would give Evidences of their Affection to the Government, and were free from Scandal, and not Ignorant nor negligent to continue in their Charges; and as a Test to them, he imposed the plain and simple Oath of Allegiance: and that they might have no ground to say he was partial to them, he likewise laid it on the Presbyterian Ministers, of whose affection I suppose he did not at all doubt. But this two Remarks lead me. (3) To think, that the Imposition of this Oath, at this Juncture, supposes a jealousy of the Established Ministry, especially after they have taken the Allegiance and Assurance, which if there be any (how groundless it is, is more than evident to all that know them.) Yea, (4) Its being imposed upon them in this Act, for preventing, &c. seems to lay the Presbyterian Ministers, & those of the Episcopal persuasion upon the same Bottom, and the Enemies of the Established Church will say, the Queen and Parliament have the same Sentiments of both, which I reckon very hard upon the Reputation of the Presbyterians It is well known that the Generality of the Tolerated Communion, and their Preachers, are avowed Friends of him whom they call the first Prince of the Blood, that all King *William's* time they refused the Oaths, and have not changed their Principles since, tho there may be some Variation in their practice, they are, generally speaking, *Anti-Revolutioners*. And it seems very hard to Homologate any Supposition, that the Established Ministry are of their Sentiments. 5. How far any Ministers taking this Oath may

may be proper, I know not, till there be some prospect of a Harmony and Unanimity amongst Ministers as to it. I know there are different Sentiments anent, and if one half take it, and the other refuse, yea if a considerable Number go into it, and forty or fifty stand out, I fear the Consequences will be very dreadful to this Church. And as to the People, 6. Its very plain, that Ministers taking this Oath, especially if not in a joint way, will exceedingly stumble a great many, and be a greater handle to *Separatists*, than any thing yet fallen out since the Revolution: I am apprehensive it may form a stated Schism, at least in some Places. Upon all these Accounts, it appears to me of Hazardous Consequences, for Ministers, at least yet, till matter open out a little, to meddle with this Oath, and if it was altered, as I observed before, to the better in favours of *Scots Men*, I cannot but think the Government will see it reasonable to make some further changes in it, if they see it not fit to lay it aside.

But the Unfitness of Ministers taking it, will yet further appear, before I come to particulars, by considering the Necessity of, and Call they have to this. 1st. If so be there be any absolute Necessity for this, either as to the Government, or distinguishing them from others, I confess the Unfitness and Unseasonableness of it will much remove; but as Things appear to me, who am much a Stranger to the Reasons of this Imposition, at this Time, very little Necessity does discover it self. For 1st. Blessed be the Lord, we are not under any present Alarms of Attempts of the Pretender, as we were under 1708, when this Oath was extended to *Scotsmen*, and yet even then, the Government saw no Necessity to put it upon Ministers; I hope they have given no Ground of Jealousie since, at least I know none. 2^{do}. They have all, or I suppose are all willing to take the Allegiance, and subscribe the Assurance. And 3^{ly}. The simple Allegiance, and much more the Assurance, involves a plain Declaration of the Queen's Right

Right, and a material renouncing of all Adherence whatsoever to the Pretender, and that in far plainer Terms, and less liable to Exception, than these of this Oath. Yea, as I take it, 4^{ly} The Oath of Allegiance is imbodied in the Oath of Abjuration and repeated in it, which gives some Ground to think, either the Oath of Allegiance should not be prefixed to this, or at least taken out of it, that Persons that are tender may not think they multiply Oaths, and take the LORD's Name in vain, and by their Practice seem to approve the common Custom, now, of needless multiplying of Oaths, and swearing the same Oath, it may be six or seven times in one Day, for different Offices and Posts they enjoy. And, 5^{ly}. Upon the whole, if any other Method can be fallen upon for securing Persons to the Government, that may be as firm, yea more in my Opinion, there can be no Necessity pleaded; because the Interposition of the Holy Name of GOD, ought to be the last Remedy that should be used, especially in Complex and involved Matters, and with Persons of the Ministerial Function. The Necessity of this Oath, 2^{ly}. Will come further to be considered, by pondering the Call to the taking of it, at this time; and here indeed several Things offer to me, which need an Appology, perhaps, at this time of Day, but being proposed for Light, and your Correction, if wrong, I shall trouble you with none: The Call at this Time to take this Oath, I confess, is plain, as to Matters of Fact, and enforced with a very severe Penalty; but the Callers, and Manner of their calling, deserve the Consideration of all that would engage in an Oath: By the Callers, I mean, the Imposers and Requirers of this Oath, the Queen in Parliament, or Queen and Parliament: The Queen's Authority and Affection to this Church are plain, any thing that occurs as to the Parliament must be understood all enarily of her and not with Respect to her.

The first Thing then that darkens me, is the Imposers of
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this Oath; and that I may fully lay this Difficulty before you:

1st. I consider it as coming from a British Parliament, which, how far it is my Duty actively to own, any further than by a patient Submission, I am yet, after its five years sitting, at a Nonentry. 2^{dly}. I consider this as the first Act of this British Parliament, with respect to the Church of Scotland, and the Ministers of it, considered as such; and what further things may follow, I cannot well foresee, Indeed the House of Lords have given a Sentence in Mr. Greenfield's Affair, but as they had it before them, it was mostly Civil (as I am informed) and they strictly considered only his Imprisonment. 3^{dly}. This Oath comes from Churchmen in Parliament, tho' as I am inform'd, the plurality of Bishops in Parliament were against it; yet that does not reconcile me to the Constitution. It may be the Thoughts of some, that we may be as safe in the hands of several of the present Sett of Revolution Bishops, as from several of our own Representatives, which I shall not controvert. But, as it was one of my main Objections against an Incorporating Union, that by it, Scotsmen were directly subjected to the Civil Jurisdiction of English Bishops, in their Parliamentary Capacity, which I still reckoned sinful; so now I think it very hard, that Presbyterian Ministers are directly oblig'd, by taking this Oath, to recognize and approve the Legislative Power and Civil Places of Churchmen, against their known Principles and Covenants. And therefore, Lastly. I leave it to you to inform me, how far one, that in his Judgment, was, and is perswaded of the sinfulness of the Incorporating Union with England, can take this Oath, made and imposed by a Parliament of England, and calculated for England, without any Clause relative to our Scots Constitution, bearing only a Reference to the English Acts of Parliament; and now imposed meerly by a Parliament, that hath all the Power it can claim over Scotland by the Union, without consenting to, and approving, in so far, the Union, which in his Sentiments is sinful? This is, what I beg. you may be plain and particular upon; for I need its being set in a full Light, before I can be satisfied anent this Oath thus imposed. I come now forward,

2^{ly}. To

oly. To consider the manner of the Call unto, and imposing of this Oath: And here two new difficulties occur, 1st. That it comes to *Presbyterian Ministers*, as a part of the forecited Act. And here, several things may offer themselves to your Consideration. 1. It hath been above hinted, that this seems to put them on a Level with the *Episcopal Clergy*, as to their suppos'd Inclinations toward *St. Germain's*; and its evident, that their being joined with them in this Oath, runs, by far, harder upon the *Presbyterian* than the *Episcopal* Preachers; since the last, upon their refusing, are but *in statu quo*, and have the Advantage of continuing firm to their known Principles; but the first, besides the forefaulting of the Exercise of their Ministry, are to be reckoned (what truly they are not) *Jacobites*, and disaffected to the Government: and I am in the dark, how far the Call to the taking of this Oath, being imposed in the *Toleration Act*, does involve the *Presbyterian* takers of it, in a Tacite Consent to all the Clauses of that Act? I doubt not, but many may put this Construction on it, and there seems to be ground to think, that the takers of this Oath do own the validity of the power that hath made this Act; and if once that be acknowledged by an active Submission to one part of it, I conceive the imposers of the rest will sustain themselves Judges of the Reasonableness of all the other Branches of the Act, and find perhaps, that these that have owned their power in part, have materially acknowledged the Justice of the whole; and yet its plain, there are many things in the *Toleration Act* that may be matter of considerable demurr to a *Presbyterian Minister*. The inbringing of a Foreign and unscriptural Liturgy, and set Forms into this Church, the supposed perpetuating of the Prelates Office, for granting Orders for such as are to serve at Tolerated Meetings, the setting up, by Authority, a Church within a Church, and Altar against Altar, the Repealing Acts of our *Scots* Parliaments in favours of this Church, after the most solemn

Solemn Declarations of the unalterableness of all the Branches of the Act of Security for the Church; the opening a Door to Ease, Benefite, and Protection to all Errours and Erroneous Teachers, except *Popish Recusants* and denyers of the Blessed Trinity. The discharging of all Disturbance to be given to such *Hereticks* and *Erronious* Persons, the Prohibition of Magistrates to give their Assistance to the prosecution of *Scandalous* Persons, or any that may be Processed, since every Process may end in Excommunication, the Exorbitant Fines contrary to the *Claim of Right*, and Bill of Rights referred to in the Oath of *Abjuration*, annexed to failzures perhaps of Memory, and unequally laid upon *Presbyterian* and *Episcopal* Preachers, and many other things, which it will be very hard for any *Presbyterian* Minister to consent to, even in the most tacite way: I cannot but think to save them from this, those that have cleareness to take this Oath, will labour to be distinct in their Testimony against these things in the Act, whereby it comes to be imposed upon them; and as to the manner. 2ly, Of imposing this Oath I cannot but notice, that it comes to *Presbyterian* Ministers, armed with very extraordinary Penalties (to us in Scotland) the Act with respect to Civil Officers and Military referred to in the Toleration Act, makes the Penalty, to be Incapacity and Inability in Law, to Execute the Ministerial Office; and upon continuance in it, personally, or by Depute, the Sum of 500 *lib. Sterl.* And many other Clauses in another Act, 13 and 14 of *William 3d.* which I have not by me, and this same Act leads into the ground of imposing this Oath; and that is, *Two Justices of Peace, their Suspicion of a Minister to be disaffected to the Queen and Government, and lyes open to all the Penalties of Convict Popish Recusants.* Now, you will observe with me, first. That thir Penalties (in some cases at least) will come in among the exorbitant Fines complained of in our *Claim of Right*, and the *English Bill of Rights* referred to expressly in the Oath it self, as illegal and Gravaminous to the Subject,

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and yet continued here, in case of refusal of this Oath, you know well enough there are many *Presbyterian* Ministers in *Scotland*, that have not the half of 500 *Lib. Sterling*, and such a Penalty upon them, bring the Old Fines betwixt 60 and 1688, very fresh in my Mind.

2^{ly}. These Penalties, as I hinted before, are very unequally laid upon the *Presbyterian Ministers*, and even sorer upon them than upon the *Episcopal Clergy* by far, who may abide in their *French Principles*, and be no worse than before; but the former must be all over *Alamode d' Angleterre*, or lose their Office and Benefice 3^{ly}. As the Annexation of thir Penalties does involve the heavy Suspicion of Disaffection to the Queen and Government, so they may be an Inlet to Precipitation and Unwariness in swallowing this complicated Oath, to say no worse; and if an Oath be a Part of Divine Worship, so and so circumstantiate, I shall not say this is Persecution; because a Man's Light will not come up to worship GOD in the Method the Government does: But I must think, it will be an Inlet to real Persecution, to those who shall be so unhappy, as to continue in the Exercise of the Ministry, they have from the Lord Jesus Christ, and to preach out of Season in the Sense of the Imposers: I might enlarge at some length upon all the evil Consequences, this Annexation of such Penalties to dubious and involved publick Oaths, may have and hath already had; but I need not to you. *Lastly*, How far these heavy Penalties are consistent with taking this Oath *heartily, willingly and truly*, I must leave to the Takers to consider: at present it looks to me like a School-Boy's going to School heartily and willingly, when the Rod is over his Head. These are a few of the more obvious Difficulties that offer upon this Oath considered under it more general Incumbrances.

I come now to go through it a little more particularly and you will bear with me a little in running over its Branches.

Some

Some of my Remarks upon them may appear minute and small, but these will be more than ballanced by others of them, that are certainly of outmost Importance to the Church of *Scotland*, at this Juncture, and very inconsiderable Things to some, may be momentuous in the Eyes of weak, short-sighted Persons like me, especially in the nice Matter of an Oath, which ought to be very plain and clear to the meanest that takes it. 1st Then there are several Words, Phrases and Expressions, which to me do not appear so plain and clear, as I would desire, before I can embody them in a solemn Oath. Allow me to remark, 1st. Upon this Head, That this Oath is all over framed and formed for *England*, in their Stile and Phrases peculiar to their Law and Customs, and at first, I dare say, they had few Thoughts of its coming over the *Border*, so you need not wonder, that a poor *Scotsman* like me be a little dull in taking up, and unacquainted with many Expressions in it. I did expect after an *Incorporating Union*, a considerable Communication of Customs, Taxes and other Things, I need not name; but desired neither their Worship nor Oaths, and heard many say, We were unalterably secured against both; but now find it otherways: But to come to particulars, 2^{ly}. In this Oath the Swearer declares in his Conscience. This is a Phrase I want to be explained, if its Sense be declaring by Conscience, or an Oath by i, I reckon it an unsafe Way of Swearing, & somewhat like the unlawful Oaths, too customary, By my Soul! by my Conscience! by my Faith. If declaring in Conscience be with Reflection and Knowledge, it seems a needless Clause, when [before GOD] is added next: If it be understood a Declaring the inward Thoughts and Sentiments of my Soul, I know not how far it may be improved, if times turn as they have been, to oblige Persons to propale their Sentiments upon ticklish Political Subjects, that they may be made their own Accusers; what has been may be again. This Phrase leads 3^{ly}. To another sib to it, I believe in

my Conscience, that the Person pretended, &c. I do not understand the Import of Believing in my Conscience; the Scripture indeed speaks of *believing with the Heart, and confessing with the Mouth*; but I never took Conscience to have a Respect to Believing, in the Schools I have heard Believing, to have been an Act of the Mind, and not of the Conscience. 4ly. I know not how far, to renounce, imports a prior owning of Allegiance and Obedience to the Person, with Respect to whom, by this Oath a Renunciation is made; only I can assure you, I never reckoned my self under any Tye to the Person here renounced, more than I am under to the *French King, or great Turk*. Some indeed who have taken this Oath, I think have given good Cause to be obliged to renounce; but it is hard, that one, that never was under this Allegiance and Obedience, should be put among the Number of *Jacobites*, and there in the *French Interest*.

5ly, I am much a stranger to the import of the Word *Abjure*, what it imports, and how far it extends, it seems to me only to relate to present Allegiance and Obedience, and so will scarcely answer the Title of the *English Act of Parliament*, wherein that Oath was first imposed, *An Act for extinguishing the Hope of the pretended Prince of Wales*. And if it relate only to this, it seems Synonymous to Renunciation; If Abjuring be a Swearing never to give Obedience to the said Person, or Swear Allegiance to him, much may be said anent it: But I am sensible of the Difficulty of expressing my self upon this Head, it falls in so much with what the Friends of the Pretender advance for themselves, that a *Presbyterian* and a *Protestant* is in a strait lest he fall under the Imputation of one of his Abbetors: You know its said this is a limiting of Providence, which can make a change upon that Person, and it is an involving our selves in inextricable Difficulties, if by Conquest or Consent of the now Imposers of this Oath, upon a change in him he should come in among us. These and
many

many other things that may be scruples I know are flouted at as favouring of secret respect for the *Pretender*; but what his Friends advance from this Principle, if in the Lords Righteous Judgment upon the Lands for their lusting to be back to *Egypt*, and forgetting and undervaluing our great Deliverance at the Glorious Revolution, and the reviling the Memory of our Generous Deliverer, he came in among us, they may come to be just Scruples to those that are of quite other Principles, allow me then to ask you a few Questions upon this *Abjuration*, without the Suspicion of *Jacobitism*, which I expect Answers to. And 1st, Is abjuring a Habile and proper way to prevent the *Pretender's* coming to the Throne in this Degenerate Age, when publick Oaths are of so little influence, and a known principle is owned and advanced by the takers of them, that even the Obligation of this Oath will cease, if the Power imposing it be not in case to defend us in standing by it? 2^{ly}, Have any persons or things been abjured in *Britain* heretofore, but they have been brought in? 3^{ly}, May not what hath been, yet be; and shall not former Experience learn us Caution in thir Matters? 4^{ly}, Whether General *Monk* and others, who took the *Tender* were by it obliged to oppose the Restoration, or sinned in taking that Oath? And further whether 5^{ly}, The said General and others that were very frank for that *Abjuration*, had not their Eye over the Water, and were promoting the Kings Interest by heightening the Disgust at *Cromwell's* Government, by promoting the *Tender*, and for paving the way for Restoring King *Charles*? 6^{ly}, Whether this method was more approvable or more sinful than that of the Generality of *Presbyterian Ministers* at that Time, who refused the *Tender*, and were well payed home for this & other Breanches of Loyalty afterwards, by the taking of some of their Heads, and the turning the rest of them a grazing? and whether under after Difficulties, these that took the *Tender*, and afterwards got Bishop-

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ricks, or these that refused this Oath, and were turned out might have most Peace? 7^{ly}. Whether some that take and impose this Oath of *Abjuration* now, may not have Abundance of Goodwill and Inclination, when things are ripe to bring in the Person abjured? And in that Case, 8^{ly}. What Power on Earth can dispense with their former Oath, and free them from the Guilt of Perjurie? 9^{ly} How far are all that take this Oath, bound before GOD never to submit, or give any Obedience to the now *Pretender*, if he shall by the Call of the *Primores Regni* be brought in, when he hath in Profession renounced the Religion, and *French Measures*, in which he is educate? *Lastly*. How far is it lawful to interpose the Holy Name of GOD in Matters of this Nature, that are not in our Power to prevent, and when Circumstances alter, may involve us necessarily in sinful Things? These Things, I am sure, need to be fully cleared, and set in their due Light, before a Person can abjure, in what appears to me to be the express plain, and common Sense of the Word. Tho' I confess, I am at a Loss, as to the Import of *Abjulatory Oaths*; because in my small Reading, I have not met with this Branch of Oaths, handled by Writers on that Subject. 6^{ly}. There follows another expression, that needs to be a little cleared, before it can be sworn in Judgment, *Traiterous Conspiracies & Attempts whatsoever, & within a little the taker obliges himself to do his best endeavour to disclose all Treasons, and Traiterous Conspiracies*. It seems needful the Nature of these be opened, they are large and comprehensive Expressions, which may have things under them: One that is a stranger to the *English Laws* may not be aware of. It is not very long since many things were made *Treason* that are not reckoned so now? and things may come by Authority to be Charges of this Nature, that are not so at present: Its but a few Months since a Bishop appearing for the Revolution, and the Lawfulness of resisting Princes, for subverting the Constitution, was said to be

Treason

Treason, and it was moved he should be brought to the Bar of the House for it. It is not above five Years since it was *Treason* to alter or innovate, or do any thing in prejudice of the Dignity and Privileges of our *Scots Parliament*, and yet its now reduced to 45. And these swallowed up in much greater Numbers at *London*, and how far its *Treason* in *England* to own the Obligation of our *Covenant*, to Reform *England* you can better tell than I. 7^{ly}, This Oath obliges the Swearers to defend the Queen to their outmost in her Person and Crown; which I understand, but for what follows her Dignity is that I do not know the import of. I suppose it is one Branch of this Dignity, That the Sovereign in *England* is the Head of the Church, and Supreme in all Cases Civil and Ecclesiastick. I want to know how far a *Scots-man* is obliged to support her Majesty in that Claim even in *England*: If so be the *Clergy* should set up for an *Independency*, in Ecclesiastick and more Spiritual Power from the Queen, or the Lower House should insist upon their Power, as *Presbyters* to meet and act without Direction of the Bishops, which is founded upon their Power derived from the Sovereign's Supremacy, and Broils should happen on that score, I see not but the taker of this Oath stands oblid'd to defend the Queen's Dignity in this Matter, Cases might be adduced nearer Home, but these Instances are sufficient to shew this branch needs an Exlication. There are several other Expressions in the Oath, that need to be cleared, but I fear I have outwearied you upon this Head already. What may be in the Belly of *defending, supporting and maintaining to the utmost of my Power*, I know not, and what follows, *not only against the said James, but all other Persons whatsoever*, is of such a large Extent, that I know not where it may land, when Providency may change, and the State of *Europe* alter: This Oath, as all Oaths ought, is to be taken without Equivocation and Mental Reservation, and I could add Dispensation from *Pope* or *Pretender* too; but

but without all secret Reservation whatsoever does enlarge the Matter pretty far indeed, unless it be of another Sense, than I take it to be; its very plain all Promisary Oaths do involve many reserved Conditions, if we live, if it be in our Power, if it shall be for the Good of the Person we promise to, and such like. Now I want to know, if a Person taking this Oath, with a View to the Reserved Rights of Scotland, and the Church here, said to be secured by the Union Act and with an Eye to our Successors taking our Claim of Right and Coronation Oath, and obliging himself to preserve unalterably the Presbyterian Government in Scotland, be not contrary to this Clause, without any Reservation whatsoever. Again Recognition is a Term every Body that has taken this Oath, I doubt, does not fully understand, or how far Persons in a more private Station are called to recognize a Prince's Right? or what they do when they do so: And the last Words, Upon the true Faith of a Christian, really want to be explained: I at first View, fancied this in the English Frame of the Oath, had a Relation to the Custom of laying their Hand on, or kissing the Evangel or Bible, which is the Rule of a true Christian's Faith, but I checked my self for this Notion, whether it be as they hope to be saved, or if it import the Induction of all the Promises into the Body of the Swearer's Christianity, or what is the Meaning of it, I am in the Dark. This may suffice, and more, to show the Truth of my first Remark, That there are several Clauses in this Oath, that are dark and doubtful, and yet the Taker must give his Oath in the plain Sense of the Words. 2ly. Give me leave to observe in this Oath, several Articles, as they appear to me, neither proper nor competent to be declared or sworn to, by the most part of those, who stand obliged to swear this Oath. These I but hint at, because the most important Difficulties are yet to follow. 1st. Then the Takers are to declare before GOD and the World, That Queen Ann is lawful and rightful Queen of this Realm, and

and of all others her Majesty Dominions, and Countries there-
to belonging : The main thing straitning in this, and what
follows on this Head, is, That Persons who are not called by
their Knowledge, or Providence to give Declaration upon
Princes Rights, and the Extent of their Dominions, must
now make their Declaration anent them before GOD. You
see as well as I, that this and other parts of the Oath, by their
being calculated for *England* in a separate State, do involve
Scotsmen swearing it, in several Difficulties. Its evident, the
plain and expresse Sense of the Expression refers to *Wales*, *Ber-*
wick and the *English* Acquisitions in *America* : And to me
there seems no *Recognition* here of the Queen's rightful Title
to *Scotland*, or *Ireland* ; I am sure none of them were intend-
ed in the first Sense of the Oath, nor are yet imported ; for
she is only declared *Rightful Queen of this Realm* (*England*,
or if the Swearer be in *Scotland* or *Ireland*, *England* is excluded)
and the *Dominions and Countrey belonging to it* ; Does this in-
clude any thing of the old Claim of *England* over *Scotland*.

Credat Judæus Apella.

Or shall I think the old Paper lately rubb'd up, contain-
ing the *English* Right to *America*, or at least the *South-Sea*
Trade by vertue of an *English man* (or old *Scots man* for any
thing I know) his discovering the New World before *Ameri-*
cus Visputius, and now put in the Hand of the Lord Privy
Seal, to be produced at the *Utrecht* Congress, shall I think
the taker of this Oath by this Clause, declares the Validity
of this Right, or must every Swearer Examine the Justice of
the *English* Claim to *Newfoundland*, *Canada*, *Nova-scotia*, *St.*
Christophers, and twenty more Countries belonging to *Eng-*
land : Or lastly, does he declare before GOD, that Queen *Ann*
is Lawful and Rightful Queen of *France*, as well as *Defender of*
the Faith, and all this upon the true Faith of a Christian ?

zly, Its solemnly and sincerely declared, *I believe*
in my Conscience, the Person pretended to be the Prince of Wales,
during the Life of the late King James, &c. Now does not this

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involve persons in a retired and more private Capacity, in an Affair they cannot be competent Judges of. The Life of King James was of a considerable length after his Abdication; but at present I shall confine my self to a few Months of it, from the 10th of June 1688 to 4th of November the same Year, in that Interval by this Oath he is declared to be the Pretended Prince of Wales. Tho' some that now take the Oath, and the then King and Court, and Council did upon Oaths of Witnesses, and with many Formalities declare him to be otherways. I do not enter upon the Justice or injustice of this procedure; but upon the incompetency that the most part of the Swearers now are under, to declare, that in the Interval of King James's Life he was the Pretended Prince of Wales. Which leads me, 3ly, To the next part of the Declaration, *That the Pretender hath no Right nor Title whatsoever to the Crown of this Realm.* Certainly Persons in more private Capacity may count it a great hardship they are put to upon Oath to declare, the Right of Persons, or their want of Right to the Crown, if this had been the Approbation of a Deed of a Competent Power, declaring the want of this Right and Title, the strait had been little: if it were only a Declaration, That he hath no present Right, an other being named by the Representatives who have the power of declaring Rights, the Difficulty had not been so great, but as it stands, *No Right, and no Title whatsoever*: This certainly makes the taker Judge of Rights and Titles, and involves him in the intricate Debates about *Hereditary Right* and *Parliamentary Right*, and tho it should be said, That there can be no Hereditary Right, and that our *Constitution* is materially Elective; yet its plain the Electors in the present Settlement and Entail, do keep by the nearest of Line being *Protestants*: and this raises a plain Difficulty, with respect to the Word **TITLE**, as it stands distinct from *Right*. It is plain enough, That no Right upon *Revolution Principles* can be without the Choice and Settlement of Parliament; but how far the near-

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ness in Line, does found a Title, to a Claim for a Parliamentary Declaration of Right, I am not able to determine my self in, it seems more than probable, that if the *Pretender* had been educate (for Instance in *Holland*) from under the Tutorship of *Lewis* the 14th, and in the Protestant Religion, and had he had other Qualifications, upon the Supposition of his being nearest in Line, he would have had some Title to a Parliamentary Choice, and how far one that thinks so, and can make no Declaration upon his Legitimacy, or Illegitimacy, or his BLOOD Title to a Parliamentary Choice, may be straitened to swear he hath *no Title whatsoever*, I leave to you to consider: If it be said, That his being *Papist* destroys both Title and Right; it is certain it destroys all Right, and justly binds up the Parliament from pitching upon him, and some will go the Length to say, That his being a *Papist* would make Choice of him, or granting him a Right, a Deed null and void *ab Initio*, but how far it destroys a *Lineal Title* in case of a real Conversion, is yet harder, since the Settlement does not exclude all that have been *Papists*, but only such as are so, and have, or shall marry *Papists*, I say nothing of my own Opinion upon these Things, but only that the Phrase, *no Right or Title, whatsoever*, unless in the Oath were added, *while Papists*, seems a Matter too involved and intricate, for Persons of an ordinary Capacity to declare upon Oath, indeed if the Government would go in & declare, that because he hath been, and is *Papist*, and hath been so and so educate, they judge him incapable and unfit to enjoy the Crown, and forever exclude him from it, and require the Subject to stand by them in this, under what Penalties they pleased, I think no good Protestant of Revolution Principles could refuse; but this dark and uncertain General it seems hard to swear.

4ly. There is an other Expression, in the *Promissory* part of the Oath, that bears hard upon private Persons, *Also I promise : : to : : : maintain : : : the Succession against him : : : and all other Persons whatsoever*: How far this will exclude the Ta-

ker ever from subjecting to any other Protestants (for Instance any of the Kings of *Prussia's* House) in Case of Failziure of the *Protestant* Line of *Hanover*, or other Cases I may afterwards hint at, I think should be seriously considered, and contains in it things, I suppose, are not competent for private Persons to declare and promise. This was my second general Remark, I come now,

3ly, To that which I hear the most part of *Presbyterian* Ministers Scruple at, and that is the Relation that this Oath bears to the *English* Acts of Settlement named in the Oath, and altho' most part of the Difficulties I hear proposed in Conversation relate to the word (*AS*) yet there are some things previous to those, which I take the Liberty to lay before you, that I may have your thoughts of them, And 1st, Its obvious both of them are made by the King and Queen of *England*, with the advice of the Lords *Spiritual*: Now supposing the (*AS*) has no reference to the Limitations the Difficulty remains, how far a *Presbyterian* Minister who reckons himself, at least bound to do nothing that may hinder Reformation in *England*, and by no overt Act to homologate the Unlawful *Herarachy* and Civil Offices of the *Churchmen*, can swear to a Succession, which is settled by a judicial Act of the *Bishops* in Parliament, or referr in his Oath to these Acts, without at least a Signification of his Disapprobation of the Legislative Power of *Prelats*. It was foreseen before our *Incorporating Union*, that this would be a strait to *Presbyterian* Ministers, with respect to the actings of an United Parliament, and as much certainly, if not more, with respect to *English* Acts before the Union; Yet no remedy was provided for it. 2ly, It was before observed, that these two Acts relate only to *England*, being made without any relation to *Scotland*, or any Prospect of an United State. And 3ly it seems mightily to put *Scotland* and *England* out of that Ballance as to reserved Rights in Church and State, they are said to be in by the Union; for *Scotsmen* to swear, to the Succession Settled and Entailed by these Acts, when *Englishmen* to

have not Sworn to the Succession settled with Relation to Scotland, by the Claim of Right and Act of Union; wherein is imbodyed the Act for Security of the Church of Scotland: And I cannot keep my self from thinking that its the hardest thing of this Nature that can be, to oblige Scotsmen, and especially Ministers of the Established Church to swear to a Succession and Settlement by two English Acts, without any mention of our reserved Rights and the Security of our Church, when the Limitation referred to upon the Successor have so plain a Relation to the Security of the English Church, and altho the Successor, by the Act of Union, be said to be obliged to preserve these reserved Rights of Scotland; yet here we are obliged to maintain, defend, and support him, and that without any reference in our Oath to the Rights of Scotland, and supposing he should only take the Oath appointed in their Acts for England, and hold by the Limitations in them, without any regard to our Limitations: I humbly think he might tell us, we took no notice of our own Rights, and swore to him without any mention of them, and that we have ourselves to blame for his Neglect of us, and that we cast him a fair Copy for his waving of our Coronation Oath, and yet we must know, that by our absolute and unlimited Oath to him, we are under his Allegiance, and are obliged to maintain him as Successor to the Crown: I do not indeed know, what we could say in our Defence. And at this Juncture there seems to be the greater cause to insist upon a reference in any Oath we take to the Successor, to our Acts of Settlement, and reserved Rights, that these Acts of our Scots Parliament made before the Union, for the Security of this Church, are made no Bones of, but daily Rescinding: For instance, That against Irregular Baptisms, That rescinding Patronages, and some other said now to to be on the File. Their Acts Rescissory coming so fast, incline some to think, That before we can in safety Swear to a Successor we should not only have a reference in our Oath to our own Right, but might even make some new Claims for some greater Security, that these
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things called reserved Rights, may not be altered and insulted, as different Parties, that come into the management, incline to. Were I a Member of the *Hierarchial Church of England*, I would be tempted, by the open Invasions made upon the Church of *Scotland*, to put in a Claim upon the Successor, for some further security, than the Act of Security for the *English Church*, and suspect that Church might come to be in hazard: Its like you are but little in pain for the future danger of your Neighbour Church; but be that as it will, its evident that Church is at present secured (in as far as Oaths of *Abjuration* in this form can secure her) more than our Church is. The *Jurors of England* have, I think, all taken it in the most comprehensive Sense of the word (*AS*,) now the most considerable persons in *Scotland* swear to the *English* Successor, without any thing in their Oath relative to their Church: So that it natively follows, The *Southern Church* lyes nearer the Sun than the *Nort'ern*, and is more secure, and the Equality and Ballance said to be fixed by the *Union* broken by our selves; by this Time I am of the Opinion, you see the reference in the Oath to the Two Acts wants not its difficulties, abstracting even from the Debate about the (*AS*) I come next to lay before you, the Difficulties that offer themselves from this little great word (*AS*) and 1st, I do own there are Two things that makes this reference by (*AS*) of less Difficulty to *Presbyterian* Ministers, in my Opinion, than otherwise it might have been. 1st. The *Parliaments* taking out of the words *Limited* and *Limitations*, in the first draught of this Oath when it came to be put upon *Scotsmen*, this seems to signifie, That it was the mind of the Imposers that the remaining Particulars relate not to the Conditions; but the Person, unless it be judged a smoothing and not altering of the Pile to make it go over the more glibly. And furdur, 2^{ly}. I hear in reasoning of the of the House of Lords, it was declared by the most violent Members, for the (*AS*) that it was needlessly scrupled at, and it did not at all bind the

Swearers

Swearers to approve the *Conditions*; Yet I doubt if these entirely remove the Difficulty since, 1st. It may be enquired if the (*AS*) relate not to the *Conditions* of Government, why was it kepted in, unless to make Difficulty, and the keeping of it in, when it could have been as Emphatically supplied with respect to the Successor and entail, and that in the very words of the *Union Articles*, must appear to make their Reasonings somewhat like Protestations *contraria facto*; Especially when, 2^{ly}, The Oath must be taken *according to the express Words, and their plain and common Sense*, which I suppose, you will not debate, that a Relation to the first Limitation, of the Successor's being *of the Communion of the Church of England*, is the plain and common Sense in the Eye of the *English* Clergy, that have taken it, and therefore, if there be another Sense, in which the *Presbyterian Ministry* are to take it, then there are two Senses of this little Word, and how it can be sworn in the plain and common Sense, without a Declaration of the Imposers, *utrum horum*, I need your Help to take up. Therefore, 2^{ly}. I am of Opinion, that the Declaration of Queen and Parliament is necessary, and when given in sincere and clear Terms might remove much of the Difficulty, with Relation to this Word, but till that be given, I cannot blame *Presbyterian Ministers* demur upon this Clause. Since 3^{ly}. By the Act of *Security* for this Church, they and all *Scotsmen* are secured against all Oaths, Tests and Subscriptions, *contrary to, or inconsistent with the Presbyterian Government, Worship, and Discipline, and that the same within the Bounds of this Church and Kingdom shall never be imposed, or required of them in any sort*. Upon the Supposition of the Inconsistency of the Sense of the *AS*, here seems to be a legal Ground for a Demur, till it be made very clear; unless Ministers by their own haste, incline to weaken their own Act of *Security*. Let me add, 4^{ly}. That the Church of *Scotland* hath already declared, in my Opinion, the Grievousness of this part of the Oath even after the Change made by the taking out of the Words,
Limita-

Limitation and Limited ; I referred you before to the Sense of the *General Assembly* in the Matter, I shall now lay before you the Sense of the Reverend Commission, as to this Clause, when it was imposed upon *Scotsmen*, and not yet come to Ministers Doors, and I cannot do it so well as in the very Words of the Commission.

At Edinburgh, 29 September 1708. The Committee to consider the Letters to be written to the Church's Commissioners now at London, report as to the Oath of Abjuration, and the Inconveniencies that might ensue upon its being pressed upon the People of Scotland (N. B.) in the Terms that now it stands, it was their Opinion, That the Commission should send up to the Commissioners at London, a distinct Account of the Grounds upon which several Presbyterians here, do scruple to take that Oath, and to desire them to endeavour to get that Oath so conceived, as these Grounds of Scruples may be removed. The particular Ground of Scrupling I cannot help you to, except in so far as they are contained in a Letter of the next Day's Date to the Ministers Commissioners at London, written, I suppose in Pursuance of Yesterday's Report gone in to by the Commission : And it follows.

Edinburgh, September 30. We have received from several corners of this Church, such Accounts of the bad Consequences, with Respect to the present Establishment, that ensue upon the pressing the Oath of Abjuration, as it is presently conceived, that we judge it necessary, that ye stay some time, and use your best Endeavours, to obtain some Remedy, you very well know, what part of the Oath is stumbling to many very well affected to her Majesty's Person and Government, and to the Protestant Succession, even as it is contained in the Entail : viz. the Reference it hath to the 2d. Act of Parl: therein mentiined, which contains several Qualifications of the Successor, particularly that he shall joyn in Communion with the Church of England, which they conceive to be a part of the Oath, and this hath gone such a length already, that in many Shires and Burghs the very best affected to her Majesty's Government and our Establishment, are laid aside, and put out of Capacity to do Service to either, and others have
come

come in their Place, who have all along appeared disaffected to the Government of Church and State; and its obvious how dangerous this may be to both: for as you know none can be Justices of the Peace, Sheriff, Sheriff-Deputes, elect or be elected Magistrates of Burghs, or serve in Town Council, or be so much as the Deacon of an Incorporation, or have a Vote in electing such, but these that take the Oath; we are confident that upon due Information, the Queen and Parliament, for easing the Consciences of her faithful and loyal Subjects here, and for preventing the sad Consequences foresaid, will be easily prevailed with, either to take away the Reference expressed in the Oath, and substitute in its place, the Entail mentioned in the Acts referred to, or make that part of the Oath, which concerns the Succession, no way to include, or reduplicate upon the foresaid Qualifications. We depend upon your Management of this Affair, yet suggest, That it seems to us not to be an improper Argument, for gaining of this Design, that it is pleaded by her Majesty's Subjects of Scotland, who scruple at this Oath, that by the Articles of Union, they are secured against Oaths, contrary to their Principles, and were assured by many in the Government, that all Scruples in this Matter would be effectually removed by the Parliament of Great Britain.

Thus far the Commission, in futeableness to the Circumstances of that Time: From which I believe you will see, that the taking of the Oath, as it now stands, is not a Matter that is entire to the Ministers of this Church, and She hath declared her sense of the (AS) that I am now upon. sly, It deserves your ripest thoughts, how far the reinstating (AS) by the Lords, after they had taking it out, does Confirm the scruples, That the Church and many Presbyterians had before, that it had too much of a reference to the English Limitations; especially, if the Amendment was fallen from, to gratifie a Party who are known Opposers to the present Settled Church in Scotland, and proposed a Boundless Toleration; without the Oaths to their Beloved Episcopal Clergy, the adhering to (AS) as an Amendment said to be given in by a forecited C—B seems to be a foundation of Understanding the sense of the

(*AS*) not to be favourable to the *Church of Scotland* : Certainly (*AS*) was altered in (*WHICH*) with a design to make it more easie to *Presbyterian Ministers*, and for them to take the Oath, with the restored (*AS*) without a plainer *Declaration* of its import, may be construed by the World to be a satisfaction with it, in the sense of these, who *vix & modis* prevailed to get it put in again. Lastly, To put an end to your Trouble about this vexatious word (*AS*) let me I pray you, have a distinct Account of your Sentiments, how far the Phrase, ‘ maintaining the *Succession*, as settled by an Act, ‘ and as the same is, and stands settled and entailed by an ‘ other, differs from maintaining the *Limitations* and *Succession*? by these Acts, which it seems the Government thought it bore hard upon *Scotsmen*; and the Commission 1706, declare against. And by the Way, I cannot but notice the Manner the Commission then took, and that after the most mature Deliberation, of representing their Strait, as to this Oath, they do not mince, and distinguish away the plain and ordinary Signification of the Particle *AS*, but pitch directly upon the Qualifications required in the *Successor*, and represent, *That, to them, there seems some Qualifications required in the Successor to the Crown, which are not suitable to their Principles.* This in my Opinion, puts the Saddle upon the right Horse; if after the *Union* you’ll permit an old Scots Phrase: and really expresseth the Difficulty of swearing to the *Successor*, or *Succession* of *Successors*, who are by Oath obliged to be of the Communion of the Church of *England*; and yet in their own swearing to him, or them, express no Regard to the Scots Reserved Rights. But to return, What plain and satisfying Difference is there betwixt, *As limited*, and *as entailed*? the Entail, in my Apprehension, involves the Conditions, upon which the Settlement is made, and so stands distinguished in the Oath from *settled*; or if by *Entail* be meant the lengthning out of the Line of *Successors*, without any Reference to the *Limitations* and *Conditions* upon which the *Succession* is settled to these *Successors*

fors, to me it seems to be no part of the *plain and ordinary Sense of the Words*, and had need to be declared distinctly by the Imposers; before one can swear it in this Sense. But even giving this Sense of *Entail*, the Word *AS* seems still in the ordinary reduplicative Sense of it, to run into the Manner in which it is settled, and so to the Conditions or Limitations upon which it is made. It is so stiff a little Word, after all the Force I can get put upon it, still reserving its plain and common Meaning, it still looks this way; as the Story goes of our great *Henderson*, when asked his Sentiment of the *Cornered Cap*, he said, Put it on as they will, one Corner of it looks ay to *Rome*, especially when its *as settled and entailed*, by such Acts of Parliament, which Acts contain the Conditions and Limitations expressly. That you may be the better in case to satisfy my Difficulties in this Matter, let me presume to ask you. 1st. Whether by the Successions, or Successor, being settled and entailed, as it is by their Acts referred to, the Church of *England* are not established and rivetted and they themselves think so? 2^{ly}. Whether, supposing the Successor were settled and the Entail made with the same Reference, *mutatis mutandis*, to all our Acts before the *Union*, in Favours of this Church, and the Act of Security, incorporated and blended in with the *Union Act*, and no Reference in the Oath to the Church of *England*, would the *English* Clergy swear in the Terms of this Oath to the Succession and Entail, without any Reservation with respect to their Church? I want Faith to believe they would. 3^{ly}. Are we not bound upon better Grounds, to shew as much Regard to our Church- Constitution, as they would do to theirs; since we have, as is said, the same Civil Security for it, and I am sure better Scripture Foundations? 4^{ly}. Let me suppose, we are living under the 1681, or 88, and by an *Act of Settlement*, one of the Conditions were, *That the Successor should be of the Communion of the Church of Rome*, and we were called to swear to him and the Succession, as settled and entail'd by that Act; would you

have freedom to take this Oath, to maintain and defend the Succession as settled and Entailed? These things I hope you see need to be distinctly answered before this Oath can be gone into by a *Presbyterian* Minister.

And since, after all the thoughts I could exercise about this, as it appears on, to bear a Reference to the *English* Acts mentioned: I come now to lay before you some of the Difficulties I find raised against the matter of these Acts. The *English* Acts are what I cannot well Judge of, they contain so many particulars I noticed before, that the Commission's Mind, was that the Successor by them, is obliged to several things inconsistent with our Principles; and it's evident they both relate to a separate State; and our reserved Rights in an united state, are no way referred to in this Oath. As to the first Act, it refers to the *English* Bill of Rights, at the Revolution, the Articles of which I shall not dip into, only it seems unequal to make the Oath in *Scotland* to refer to that, and not likewise to our Claim of Right; I hinted before, that in that first Act, Excessive and Exorbitant Fines are declared against, and yet this Oath is imposed upon very Exorbitant Penalties.

But the chief Difficulties ly as to the Second Act, I shall not insist upon some expressions that are Circumstantial, such as, King *James* of happy Memory. It's like some *Scots* Ministers may not have the value for his Memory, that the Framers of this Act have, when they remember his Carriage to this Church, after the Union of the two Crowns; his losing the *Palatinate*, and *Bohemia*, to the Protestant Interest, and his Mediation betwixt the *Pope* and *Venice*, when Excommunicate, and upon the Brink of turning into the Reformation. Waving this and other things, I shall run through the Limitations a little in the Second Act; and when I look to it, I remark an Expression, I think makes Limitation, and entail and Settlement relate on, and the same thing provided, *That the Person who shall Inherit the Crown by the Limitation of this Act.* Here

to me the Settlement and entail, is one and the same, with the Limitation of this Act, which seems to look to the whole matter contained in the Act; and how far that will involve the Swearers in approbation of the conditions after expressed, had need to be cleared.

The first condition or Limitation, That whosoever comes to the Possession of the Crown, that join in Communion with the Church of *England*, is so flat and plain, that little needs to be said about it by a Professed *Scots Presbyterian*. The next, but one, That the Successor shall not go out of *Britain and Ireland*, without consent of Parliament, is a Confinement of the Sovereign, without any fault committed, and puts him in some cases in harder circumstances than the lowest of his Subjects: And in the Family of *Hanover*, maybe, for any thing I know, inconsistent with prior Oaths they are under. The next Limitation bears very hard upon all our Neighbours round about us, and deprives the Subjects of these Kingdoms of their help in many cases, when we may need it. It seems very unjust upon our own Country Men Born in Foreign places. The next is likewise in many cases unsafe, both for Prince and people. The last Limitation is the largest of all, contains a Confirmation of the *English Hierarchy*, and all their other Laws, and an Obligation upon all Inferiour Officers to Execute them; And I am sure its but few of the Swearers of this Oath that know them, or what is in them. When once you acquaint me with your mind, anent thir Limitations, I shall be more particular upon each of them, I think matter discovers it self to me upon each of them almost, that might straiten either an *Englishman* or *Scotsmen*, to give his consent and approbation of them upon Oath. I only now add, That there seems a clashing between their Limitations and the absolute over-making to the Successor, the Crown and all the Dignities and Prerogatives, Power, Jurisdiction, and many other big Words, in the close of the first Paragraph of this Act; how these are made over, and yet the Successor langed and straitned, as he seems to be, by the after conditions, I cannot

not unriddle: and I Remember very well, that this Act and their *Limitations* were made in *England*, when the *Parliament* and King *William* were at some variance, and severals of them, as was then said, were Calculated, so as they might reflect upon, and grate that excellent Prince. But enough of this third General Head of Remarks.

5ly, I ought next to consider this Oath's obliging the Swearer to defend &c. the *Succession*, as it stands Entailed on *Princess Sophia*, and her Heirs, being *Protestants*. *Presbyterian Ministers* are so cordially inclined to a *Protestant Successor*, and have expressed their Inclinations for the House of *Hanover*, so plainly, in their Act of the last *Assembly* I cited before, that you may justly expect they will have but few Difficulties anent this part, materially considered: But as it comes in as a part of this Oath, you may remark, 1st, That it seems then seasonable, and not till then to swear so peremptorily to that Family, when once they have taken the Oaths required by Law of them; Prayers and all good Offices to them, as declared *Successors*, is all in Reason they can expect, before they actually come in under the *Coronation Oath*. Especially, 2ly. Since there is a Resolution talked of in one, if not both Houses of *Parliament*, That it shall be *Treason* to say, that *Queen Ann* and *Parliament*, have not Power to alter the *Succession*. It seems Time enough then for him that fears an Oath to swear, when the *Succession* does actually take effect, least the *Parliament* when they sustain themselves in a Capacity to alter the *Succession*, by executing this Power, leave us to answer for our own unseasonable and hasty Oath, and in that case I know not how the Takers can get clear of it. And 3ly, By this Oath we seem to have given Allegiance to them, and become their Subjects when they Succeed, tho' they should not take our *Coronation Oath*; The *English* indeed have provided well for themselves, but left us directly open in the frame of this Oath, all the Condition in this latter part is, being *Protestants*, they may be so, & not take our *Coronation Oath*; and in that case the (*As*) in its common sense will be a Relief to the *English Church*

Church and Nation; but we have none. I might add, that we have yet no Publick evidences that the House of *Hanover*, will go into all their *Limitations*, or that they will change their Religion for a *Crown*: And I humbly think its Time enough, when once they have declared themselves content to part with the *Lutherian* Errors, to take this matterial Oath of Allegiance to them; if they should quite these, & turn to the *Communion of the Church of Scotland*, as by Law establish'd; I doubt if the *English* would reckon themselves by this Oath, obliged to receive them as Successors: And this seems very hard upon the *Presbyterian Swearers* of it. Thus I have given you my Remarks upon this Oath, with all freedom and sincerity; many of these things stick with me, and till ye help me out of thir Difficulties, I cannot see how a Minister can take it heartily and truly, or when its imposed with so severe annexed Penalties and *inhibiles*, how can he do it willingly? Let us put the Case, the Government left it to the Will and liking of every Minister, to take it, or not take it, and had annexed no Dishability or Fine, I doubt, if it would be generally fallen into; and how it may be gone into, from Fear and the View of Dishability, and yet be sworn to, heartily and willingly. I know not: And since the the Abjutory and Promissory Part of our Oath, is of perpetual Obligation, and we have need to look before us, what may happen before we call in GOD's Name in thir things; let me present some few Cases that may happen, that I may have your Thoughts of the Duty of Jurors, if they should fall out, and none of them are impossible. 1st. Let me put the Case, That upon the Queen's Demise and Princels *Sophia's*, the present Elector of *Hanover* refuse to change the Principles he is educate in, and to joyn in Communion with the Church of *England*, or to engage never to make a Visit to *Germanie*, without allowance of Parliament, and the *English* refuse Subjection to him, as thinking by the *AS*, in their Oath, they are at Freedom from Allegiance to him, when he goes not into their Limitations and Conditions. In this Case he requires the *Scots* Jurors, who pretend the *AS*, is their Sense, relates only to the Succession and Entail, to support, maintain and defend him as Successor; are they not obliged by Oath to this? 2^{dy}. Let us suppose the Princess *Sophia*, born and educated in *Scotland*, and from her Regard to our Constitution declared by our *Scots* Laws, to be according to, and founded upon the Word of GOD; or her Son, profess themselves of the Communion of the Church of *Scotland*, and offer to joyn with us, and therefore are opposed by *England*; are the Juros here, by anything in this, obliged to maintain the said Successors, opposed upon the Account of their Respect to this Church? or may not the Church of *England* pretend, That we are obliged by our Oath, to joyn with them, and expell them, and call in the next Heir, being Protestant, that will joyn with the Church of *England*? 3^{dly}, Suppose the said Persons are content to quite the *Lutherian Communion*, and join with that of the Church of *England*, as nearer to it, in the real Sacrifices, Images, and Chappels, and Liturgies, and refuse to take our

Coronation Oath, and swear to our reserved Rights, as inconsistent with the Safety of the Church of *England*, or inclining to have all their Subjects of one Communion, and under the thoughts of the *English Maxim: No Bishop, no King*; in that case, are not *Scots Jurors* already bound to own the Successors Authority, and maintain, and support, and defend him, against all Persons whatsoever. 4thly. Let us suppose all the Heirs of the Princess *Sophia*, being *Protestants*, die except two Daughters, and the Eldest Married to a *Protestant Prince*, and the other a Child, (the Prince as once we saw) comes over, and with the Heir, with much Expences and hazard, and his Consort is Queen. By this Oath are the Jurors obliged not to own him as King? Or put the case more plainer, his Consort dyes, and he is fit for the Government, is it a Breach of this Oath to own him as King, while the next Heir is a Child, and under Nonage? Cases much agreeable to this have been. 5thly, There is a Resolution of the Parliament, *That it is Treason to say the Queen and Parliament cannot alter the Succession*, so its no Treason to suppose they may alter it; for instance, to the next *Protestant Calvinist Family of Prussia*, and in this case, are not Jurors sworn to oppose this, and adhere to the House of *Hanover*, and oppose, their own Representatives, and defend and support the present Entail. 6thly, Let us put another case, which the LORD prevent, that the Pretender come over and Conquer these Lands with the help of *France*, and while *Papist*, as his Father was, be Proclaimed King, and owned by a *British Parliament*: I hope it will not be Lawful to any Juror to own him or his as King, as long as any of the Family of *Hanover*, being *Protestants*, are alive? But let me put the case a little otherwise, and it may come to be harder, 1st. Let me suppose, which I never expect, that the Pretender turn a Hearty *Protestant*, and is convinced of the evil of the *French Government*, and is called over by a *British Parliament*? or to give it all the force it may have, suppose the *Protestant Line of Hanover* be extinct, and the Pretender set up being *Protestant*, and be Chosen King, will it not be Perjury in any Juror ever to own him as King, or swear Allegiance to him? Their Suppositions will appear less out of the Road, that three Generations of Princes are cut off in less than a Years time, not far off. Once more, lastly, Let me suppose, That *England* turn weary of an United State with *Scotland*, and find it for their advantage to quite us, and we Emerge to our old separat State, some way or other, and the Estates of *Scotland* find out means to Pitch upon a Prince out of the Family of *Hanover* being *Protestant*, and distinct from *England*, and the Elector of *Hanover* is upon the *English Throne*, are not all the Takers of this Oath perjured if they cleave not to the Succession? Their cases are not morally impossible, other cases of the like Nature, and that even in the Lifetime of the present Jurors, and certainly the fluctuating changeable Nature of Humane Affairs, and the different Interest that prevailling Parties may make in these Lands, which may interfere with this Oath, should be considered, and the thoughts of them cannot but make me very averse from all Publick Oaths, of the intricacie and Dubiousness this involves.

This, from Your humble Servant.

FINIS